



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

UNITED PARCEL SERVICE
E-MAIL VERIFICATION REQUESTED

AUG 25 2014

Ms. Kathy Boyers, P.E.
Manager
Operational Excellence and
Process Safety Management
Pascagoula Refinery
Chevron U.S.A., Inc.
250 Industrial Road
Pascagoula, Mississippi 39581

Dear Ms. Boyers:

The purpose of this letter is to request information as part of an U.S. Environmental Protection Agency investigation to determine the compliance status of the Chevron U.S.A., Inc., facility located in Pascagoula, Mississippi, with regard to Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9603; and Section 112(r) of the Clean Air Act ("CAA"), 42 U.S.C. § 7412(r).

The request for information enclosed with this letter ("Information Request") seeks information and documents relating to the Company's compliance with the above referenced requirements. This Information Request is authorized pursuant to the following federal environmental statutes:

- Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. § 9604(e).
- Clean Air Act, as amended, 42 U.S.C. § 7414.

Chevron U.S.A., Inc., is directed to have the responses to the enclosed Information Request (Enclosure A) available for the Emergency Planning and Community Right-to-Know Act, CERCLA, and CAA Risk Management Plan (RMP) site inspection beginning September 8, 2014. You should prepare responses to this Information Request as completely as possible.

You are entitled to assert a claim of business confidentiality covering all or part of any required information except emission data, in the manner described at 40 C.F.R. §2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B. Unless a confidentiality claim is asserted at the time the required information is provided, the EPA may make this information available to the public without further notice to you. Notwithstanding the above, the information you provide may be used by the EPA in administrative, civil, and criminal proceedings. See Enclosure B for confidential business information assertion and substantiation requirements. If you assert a claim of business confidentiality, you will

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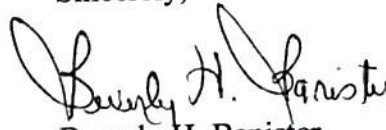
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receive a letter from the EPA inviting your comments on seven questions so that the EPA can determine whether such information is entitled to confidential treatment.

Failure to comply with this requirement to provide information is a violation of Section 114 of the CAA and Section 104(e) of the CERCLA and could result in an enforcement action for the recovery of civil penalties not to exceed \$37,500 per day, per violation, or for injunctive relief or both. Section 113, 42 U.S.C. §7413, of the CAA gives the EPA the authority to seek criminal penalties from any person who knowingly makes any false statement, representation, or certification in any report required under the CAA. In addition, the False, Fictitious or Fraudulent Claims Act establishes criminal sanctions for any person who knowingly makes false, fictitious or fraudulent claims to any department or agency of the U.S. This required submittal of information is not subject to the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35.

If you have any questions relating to this Information Request, you may consult with the EPA prior to the deadline specified above. Questions should be directed to Deanne Grant at (404) 562-9295 or by email at grant.deanne@epa.gov. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Beverly H. Banister". The signature is fluid and cursive, with the first name being the most prominent.

Beverly H. Banister

Director

Air, Pesticides, and Toxics Management Division

Enclosures (2)

ENCLOSURE A

INFORMATION REQUEST

INSTRUCTIONS

1. Please provide a separate response to each question and subpart of a question set forth in this Information.
2. For each question, identify each person responding to the question contained in this Information Request on your behalf, as well as each person consulted in the preparation of the response.
3. For each question, identify each document consulted, examined, or referred to in the preparation of the response or that contains information responsive to the question, and provide a true and correct copy of each such document if not provided in response to another specific question.
4. If requested information or documents are not known or are not available to you at the time of your response to this Information Request, but later become known or available to you, you must supplement your response to the EPA. Moreover, should you find at any time after submission of your response that any portion is or becomes false, incomplete, or misrepresents the facts, you must provide the EPA with a corrected response as soon as possible.
5. Requested information can be submitted in electronic form, if applicable.

DEFINITIONS

1. The term "document" shall mean any object that records, stores, or presents information, and includes writings, email, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in a format useable and readable by the EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any document.
2. The terms "person" or "persons" shall have the meaning set forth in Section 302(e) of the CAA, 42 U.S.C. § 7602(e), and includes an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent or employee thereof.
3. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
4. The terms "you" or "your", as used in each of the questions set forth in the attached Section 114 letter, refers to, and shall mean, the company or corporation with which each addressee of the attached Section 114 letter is affiliated, including its subsidiaries, divisions, affiliates, predecessors, successors, assigns, and its former and present officers, directors, agents, employees, representatives, attorneys, consultants, accountants and all other persons acting on its behalf.
5. The term "facility" shall mean all buildings, structures, equipment, installations, and substance emitting stationary activities located at 250 Industrial Road, Pascagoula, Mississippi.
6. The term "incident" shall mean a fire, chemical explosion and/or chemical release that occurred at the facility.
7. This definition shall mean all organic and inorganic substances that are contained or used in any process or maintenance activity at the facility.
8. The term "process" shall mean any use, storage, manufacture, handling or on-site movement of a chemical.
9. The term "reaction" shall mean any chemical reaction.
10. The term "identify" means, with respect to a natural person, to set forth the person's name; present or last known business address and business telephone number; and present or last known job title, position or business.
11. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name; address; legal form (e.g., corporation, partnership, etc.); organization, if any; and a brief description of its business.
12. The term "identify" means, with respect to a document, to provide its customary business

description; its date; its number, if any (e.g., invoice or purchase order number); the identity of the author, addressor, addressee and/or recipient; and the substance or the subject matter.

13. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
14. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in the relevant sections of the CAA or CERCLA or relevant implementing regulations thereof in which case the statutory or regulatory definitions shall apply.

INFORMATION REQUEST

You are hereby required, in accordance with Section 114(a) of the CAA, 42 U.S.C. § 7414(a), to provide the following information for the facility.

General Requests

1. Provide a map and plot plan for the Facility.
2. Provide a management and corporate organizational chart for the Company that includes its management and operations at the Facility. Identify positions by name and title.
3. Provide a Process Flow Diagram showing the flow of feed and product through the Facility.

Requests Regarding CERCLA Section 103 Compliance

1. Identify the designated emergency coordinator at the Facility and provide his or her contact information.
2. With respect to the releases of chemicals that occurred at the Facility during the period September 8, 2009 to date, provide in spreadsheet format for each such release:
 - a. The name(s) and CAS number(s) for the chemical(s) released;
 - b. The quantity of the chemical(s) released;
 - c. The time (day/hour/minute) that each release began and the time that it ended;
 - d. The time (day/hour/minute) that the Company or Facility was first aware of each release, including the name, position and duties of the Company or Facility representative who first became aware of each release;
 - e. A description of the specific location of each release at the Facility and identification of the Process Unit where each release occurred;
 - f. The facility incident or other tracking number or identifier;
 - g. The date and time, if any, that each release was reported to the National Response Center and the assigned NRC Report Number;
 - h. The date and time, if any, that each release was reported to the State Emergency Planning Commission and Local Emergency Planning Committee and the assigned Report Number.

Requests Regarding the Clean Air Action Section 112(r) Risk Management Program and General Duty Clause

For each process subject to the provisions of 40 CFR Part 68, regardless of Program Level, provide the following:

1. Hazard Assessment
 - a. Provide data used in developing the Off-site Consequence Analysis (OCA), including both the toxic and flammable worst-case and alternate worst-case analyses. Include any supporting documentation or data utilized in developing the OCA for toxic and flammables for the Facility.
 - b. Provide name/description of model used to calculate Off-site Consequences Analyses, a listing of model input(s) and a copy of output from model(s).
2. Management System:
 - a. Provide a list of the Facility personnel responsible for ensuring implementation of the various parts of the Risk Management Program, including names, titles, and to whom they report.
 - b. Provide a description of data management systems used to track implementation of the

Risk Management Program, including how and by whom that data is entered and audited or certified.

- c. Provide a list of all refinery policies or similar documents which identify responsibility for implementation of the various parts of refinery operations, including dates of last revision.
- d. Provide the Management of Organizational Change (or equivalent) policy.

3. Process Safety Information:

- a. Provide a copy of the Refinery's policy pertaining to the development and management of Process Safety Information;
- b. Provide a list of all process equipment (hydrocarbon & chemical, excluding utility) which operates or has operated at temperatures above 400°F.
- c. Provide the following PSI documentation for the equipment identified in the list provided in question 3.a immediately above:
 - i. Process Chemistry
 - ii. Environmental, health and safety concerns
 - iii. Process descriptions
 - iv. Process flow diagrams
 - v. Safe operating limits
 - vi. Consequences of deviation
- d. Describe any Positive Material Identification (PMI) or equivalent program at the Facility, including a list of process units/equipment which were or are included in the program.

4. Process Hazard Analysis:

- a. Provide a copy of the Refinery's policy pertaining to Process Hazard Analyses;
- b. Provide a table listing all covered processes' past Process Hazard Analysis (PHA) completion dates and scheduled PHAs.
- c. Provide a copy of the most recent PHA summary report for each of the CAA 112(r) covered processes. Include the list of recommendations and description of resolutions or projected resolution dates, and responsibility assignment.
- d. Provide copies of any Damage Mechanism Review for each covered process, including date of completion or projected completion.

5. Operating Procedures

- a. Provide a copy of the Refinery's policy pertaining to the development and implementation of process Operating Procedures;
- b. Provide a list of all operating procedures for covered processes, including all phases of operations and dates of last revision.
- c. Provide documentation showing the annual certification of all covered process operating procedures for the past five years.

6. Training

- a. Provide a copy of the Refinery's policy pertaining to the development and implementation of training for employees at covered processes.
- b. Provide a description of the training requirements for, and the policy pertaining to, the following positions in each covered process unit:
 - i. Supervisors
 - ii. Operators
 - iii. Inspectors
- c. Provide a copy of the most recent training for any employee relating to corrosion damage mechanisms.

7. Mechanical Integrity
 - a. Provide a copy of the Refinery's policy pertaining to the development and implementation of procedures for process mechanical integrity;
 - b. Provide a list of all mechanical integrity procedures related to covered processes including the title, date of last revision and responsible personnel.
 - c. Provide Inspection Plans for the most recent turnaround on each covered process, including but not limited to Corrosion Inspection Plans.
 - d. Provide a list of work order requests and inspection recommendations for the most recent turnaround on each covered process, including identifying numbers, equipment identification, description of work/revision requested, name and position of person requesting/recommending the work, resolution of the request/recommendation, and date item was resolved.
 - e. Provide Temporary Leak Seal Repair (TLSR) data or similar dataset, including equipment description, inspection history, management of change information (if applicable), date of temporary leak seal or repair and date projected to be permanently repaired.
8. Management of Change
 - a. Provide a copy of the Refinery's policy pertaining to the development and implementation of management of change procedures;
 - b. Provide a list in a spreadsheet format of all management of change initiations for the period from September 8, 2009, to date. Include description of change, date initiated, date closed or projected completion and responsible personnel.
9. Pre-startup Reviews
 - a. Provide a copy of the Refinery's policy pertaining to the development and implementation of Pre-startup Review procedures.
 - b. Provide completed checklists from the two most recent startups following a turnaround on each covered process unit.
10. Compliance Audits
 - a. Provide a copy of the Refinery's policy pertaining to the compliance audits required by 40 CFR Part 68;
 - b. Provide a list showing dates, process unit and equipment description for the two most recent compliance audits.
 - c. Provide a list of personnel involved in compliance audits, their positions in the Company, education and experience in refinery operations.
 - d. Provide information on recommendations from the two most recent compliance audits, including description of recommendation, resolution, personnel responsible and date of resolution or projected date of resolution.
11. Incident Investigations
 - a. Provide a copy of the Refinery's policy pertaining to incident investigations;
 - b. Provide, in a spreadsheet format, a list of incidents subject to the investigation requirements of 40 CFR §68.81(a) for the period September 8, 2009, to date. Include a description of the incident, the date and time of the incident, the location (process unit) where the incident occurred, the regulated substance that was released, and any recommendations and dates of resolution of recommendations or projected dates of resolution.
 - c. Describe any injuries, environmental damage or deaths, if any, related to each incident.
 - d. Provide, in a spreadsheet format, for the period September 8, 2009, to date, a list of other investigations relating to regulated substances or equipment failures. Include a description of the event, the date and time of the incident, the location (process unit)

where the incident occurred, recommendations and dates of resolution of recommendations or projected dates of resolution.

12. Employee Participation

- a. Provide a copy of the Refinery's policy pertaining to employee participation on the conduct and development of process hazard analyses and other process safety management elements;
- b. Provide a copy of any safety culture assessment, draft or complete.
- c. Provide a list of employees at the Facility who are Union stewards (if applicable) also indicating the process or unit to which they are assigned and contact information for each.

13. Hot Work Permits

- a. Provide a copy of the Refinery's policy pertaining to hot work permits;
- b. Provide a list of hot-work permits initiated from September 8, 2013, to the present date, including identifying number, date, name and position of initiating personnel, date opened and closed.

14. Contractors

- a. Provide a copy of the Refinery's policy pertaining to the procurement and oversight of contractors, including the name and title of each person responsible for implementation of the program;
- b. Provide a description of work for which contractors are utilized at the Facility.

15. Emergency Response

- a. Provide a copy of the Facility's Emergency Response Plan.
- b. Provide a list of Facility emergency response personnel. Include roles, level of training, and dates of most recent certification for each of the Facility response personnel.
- c. Describe the two most recent activations of the Emergency Response Plan at the facility. Include date, personnel involved, description of incident and whether there was a release of a regulated chemical, injury or environmental damage.

16. Other

- a. Provide, in a spreadsheet format, a list of any and all recommendations made by either Technical Services Engineers, Process Engineers and/or Subject Matter Experts from September 8, 2009, to date for covered process design changes, and/or inherently safer design/materials/technology substitutions, the implementation of which have been delayed or denied. For each such recommendation indicate, at a minimum: the date of the recommendation; the name, title and organizational location of the person making the recommendation; the applicable process or unit; the specific piece(s) of equipment; a description of the recommendation; the date of implementation (if applicable) and associated MOC identifier(s); and the reason for denial of the recommendation (if applicable).
- b. Provide copies of any complaints, compliance orders, unilateral orders, notices of violation, or any other type of enforcement action filed or issued against the Company by any city, county, state, or federal agency in the last five years for environmental-related or health and safety-related violations.
- c. Provide copies of any judgments, consent decrees, consent orders, consent agreements, or other type of settlement agreements resolving any enforcement action brought against the Company by any city, county, state or federal agency in the last five years for environmental-related or health and safety-related violations.

ENCLOSURE B

CONFIDENTIAL BUSINESS INFORMATION (CBI) ASSERTION AND SUBSTANTIATION REQUIREMENTS

You may assert a business confidentiality claim covering all or part of the information you provide in response to this information request for any business information entitled to confidential treatment under Section 114(c) of the Clean Air Act (the Act), 42 U.S.C. §7414, and 40 CFR Part 2, subpart B. Under Section 114(c) of the Act, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 CFR Part 2, subpart B, business confidentiality means the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information. See 40 CFR §2.201(e).

The criteria EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 CFR §2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 CFR §2.201(e), (2) that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, (3) the information is not and has not been reasonably obtainable by legitimate means without your consent, and (4) the disclosure of the information is likely to cause substantial harm to your business' competitive edge. See 40 CFR §2.208 (a)-(d). Emission data, as defined at 40 CFR §2.301(a)(2), is expressly not entitled to confidential treatment under 40 CFR Part 2, subpart B. See 42 U.S.C. §7414(c); 40 CFR § 2.301(e).

Information covered by a claim of business confidentiality will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Act and 40 CFR Part 2, subpart B. EPA will construe your failure to furnish a business confidentiality claim with your response to this information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on (or attach to) all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as trade secret, proprietary, or company confidential at the time you submit your response to this information request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

In addition, EPA is providing you notice that if you assert a claim of business confidentiality for information you provide in response to this information request, EPA will determine whether such information is entitled to confidential treatment, pursuant to 40 CFR Part 2, subpart B. Accordingly, after EPA's receipt of your business confidentiality claim, you will receive a letter inviting your comments on the following questions:

1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.
2. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you've specified.
3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Is there any other explanation you deem relevant to EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

See 40 CFR §2.204(e)(4). When you receive such a letter, you must provide EPA with a written response within the number of days set forth in the letter. EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 CFR §2.204(e)(1).